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jc713 U.S. PTO

Attorney's Docket No. 102-302 RE/CON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application

Assistant Commissioner for Patents
Washington, D.C. 20231

jc584 U.S. PTO
09/472490
12/23/99

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **TCHAO, RUY**, a citizen of the U.S.A, whose address is:
404 Cedar Lane, Flourtown, PA 19031

For (title): **CHEMOTAXIS ASSAY PROCEDURE**

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and documents referred to as enclosed herein are being deposited with the United States Postal Service on this date, December 23, 1999, in an envelope as "Express Mail to Addressee" Mailing Label Number EJ094853005US, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

M J Mullin
Name of person mailing paper

mjmullin
Signature of person mailing paper

09472490-122399

1. **Type of Application**

This new application is a(n):

- ☐ Original (nonprovisional) application.
- ☐ Design application.
- ☐ Plant application.
- ☐ Divisional of Serial No. _____, filed on _____, under
☐ 37 CFR 1.53
- ☒ Continuation of copending Serial No. 09/159,427, filed on September 23, 1998, which is a Reissue of United States Patent No. 5,601,997, issued February 11, 1997, under
☒ 37 CFR 1.53(b)
- ☐ Continuation-in-part of Serial No. _____, filed on _____, under
☐ 37 CFR 1.53

2. **Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- ☐ This new application claims the benefit of prior U.S. application(s).
- ☒ Please amend the specification by inserting, before the first line, the following:
- ☐ "This application claims the benefit of U.S. Provisional Application No. _____, filed on _____."
-
- ☒ "This application is a
☒ continuation
☐ continuation-in-part
☐ divisional
of copending application
☒ Serial No. 09/159,427, filed on September 23, 1998, which is a
Reissue of United States Patent No. 5,601,997, issued February 11, 1997."
☐ International Application No. _____, filed on _____,
and which designated the U.S."
-
- ☐ A Preliminary Amendment is enclosed amending this application to state the relation of this application to prior applications.

☐ The relation of this application to prior applications is stated in the application.

3. 35 U.S.C. 119 Priority Claim for Prior Application

This application, and prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 2, claim(s) priority from one or more foreign applications as follows:

(Country)	(Application No.)	(Filing Date)
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(Country)	(Application No.)	(Filing Date)
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(Country)	(Application No.)	(Filing Date)
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Certified copy(ies) of the application(s) from which priority is claimed:

- ☐ has(have) been filed on _____, in prior application _____, which was filed on _____.
- ☐ is (are) enclosed.
- ☐ will follow.

4. Papers Enclosed Which are Required to Obtain Application Filing Date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design)

10 Pages of specification
6 Pages of claims
1 Pages of Abstract
7 Sheets of drawings
☒ formal
☐ informal

☐ The enclosed drawing(s) include photograph(s), and there is also attached a "Petition to Accept Photograph(s) as Drawings." 37 CFR 1.84(b).

5. Additional Papers Enclosed

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 CFR 1.98)
- ☒ Form PTO-1449
- ☒ U.S. Patent No. 5,601,997

- [X] Reissue Declaration
- [X] Copy of Petition for 3 Month Extension of Time filed in Serial No. 09/159,427, filed on September 23, 1998, which is a Reissue of United States Patent No. 5,601,997, issued February 11, 1997.
- [] Associate Power of Attorney
- [] Citations
- [] Declaration of Biological Deposit
- [] Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence
- [] Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- [X] Reissue Application by the Inventor, Offer to Surrender (Copy)
- [X] Request For Transfer of Drawings From Original Patent to Reissue Application (Copy)

6. Declaration or Oath

- [] A Declaration or Oath is enclosed, executed by (check all applicable boxes):
- [] inventor(s).
- [] legal representative(s) of inventors(s) (37 CFR 1.42 or 1.43).
- [] joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- [] This transmittal serves as the petition required under 37 CFR 1.47, and the statement required under 37 CFR 1.47 is also enclosed. See item 13 below for fee.
- [X] A Declaration or Oath was filed on September 23, 1998 in prior application 09/159,427, from which benefit is being claimed for this application under 35 U.S.C. 120 or 121. The subject matter disclosed in the present application is the same as that disclosed in the prior application, and the inventors are the same or less than those named in the prior application. Accordingly, no new Oath or Declaration is required.
- [X] A copy of the Oath or Declaration in the prior application is enclosed.

- ☐ A Declaration or Oath is not enclosed.
- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* of the above named inventor(s).
- ☒ A Power of Attorney is included in the Declaration or Oath.

7. **Language**

This new application is written in:

- ☒ English.
- ☐ A non-English language: _____.
- ☐ A verified translation is enclosed (37 CFR 1.52(d)).

8. **Assignment**

- ☐ Assignment of the invention
- ☐ is enclosed. A separate:
- ☐ "Cover Sheet for Assignment (Document) Accompanying New Patent Application" is enclosed.
- ☐ Form PTO-1595 is enclosed.
- ☐ was made in prior application No. _____, filed on _____.
- ☐ A copy of the assignment and recordation cover sheet are enclosed.
- ☐ will follow.

9. **Maintenance of Copendency of Prior Application**

- ☒ A Petition for a 3 month Extension of Time and the appropriate fee has been filed and extends the term in the pending prior application until **December 25, 1999**.
- ☒ A copy of the petition filed in the prior application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition in the prior application is attached.

10. **Abandonment of Prior Application**

☒ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

11. **Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

☐ There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment.

12. **Amendments**

13. **Fee Calculation (37 CFR 1.16)**

A. ☒ Regular application (37 CFR 1.16(a)) Basic Fee \$ 760.00

FEES FOR CLAIMS AS FILED

Number filed	Number extra	Rate			
<hr/>					
Total Claims (37 CFR 1.16(j))	37 - 20 = 17	X \$ 18.00	=	\$	306.00
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Independent Claims (37 CFR 1.16(i))	6 - 2 = 4	X \$ 78.00	=	\$	312.00
<hr/>					
Multiple Dependent Claims (37 CFR 1.16(d))	0 +	\$260.00	=	\$	0
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Fee Calculation for Extra Claims \$ 618.00

☐ Amendment canceling extra claims enclosed.

☐ Amendment deleting multiple-dependencies enclosed.

B. ☐ Design application (37 CFR 1.16(f)) Filing Fee \$330.00

C. ☐ Plant application (37 CFR 1.16(g)) Filing Fee \$540.00

Total Filing Fee Calculation \$ 1378.00

14. Request for International-Type Search (37 CFR 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time national examination on the merits takes place. See item 15 for fee.

15. Small Entity Statement(s)

- ☐ A Verified Statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27;

☐ is enclosed.

☐ will follow.

- ☐ Status as a small entity was claimed in prior application _____, filed on _____, from which benefit is being claimed for this application under:

☐ 35 U.S.C. 119(e),

☐ 35 U.S.C. 120,

☐ 35 U.S.C. 121,

☐ 35 U.S.C. 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the verified statement in the prior application is enclosed.

Filing Fee Calculation (50% of A, B, or C above)

\$ _____

16. Fee Payment Being Made at This Time

- ☐ Not enclosed. No filing fee is to be paid at this time.

- ☒ Enclosed:

☒ Basic filing fee (Item 13 or 15 above) **\$ 1,378.00**

☐ Fee for recording Assignment
(\$40.00 (37 CFR 1.21(h))) \$ _____

☐ Petition fee for filing by other than all
of the inventors or person on behalf of
the inventor where inventor refused to
sign or cannot be reached.
(\$130.00 (37 CFR 1.47 and 1.17(h))) \$ _____

☐ Fee for processing an application having a
specification in a non-English language.
(\$130.00 (37 CFR 1.52(d) and 1.17(k))) \$ _____

☐ Processing and retention fee
(\$130.00 (37 CFR 1.53(d) and 1.21(l))) \$ _____

☐ Fee for international-type search report
(\$40.00 (37 CFR 1.21(e))) \$ _____

Total fees enclosed \$ 1,378.00

17. Method of Payment of Fees

☒ Check in the amount of \$ 1,378.00

☐ Charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is enclosed.

18. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 08-2461:

☒ 37 CFR 1.16(a), (f), or (g) (filing fees)

☒ 37 CFR 1.16(i), (j), and (d) (presentation of extra claims)

☐ 37 CFR 1.16(e) (surcharge for filing the basic fee and/or declaration at a date later than the filing date of the application)

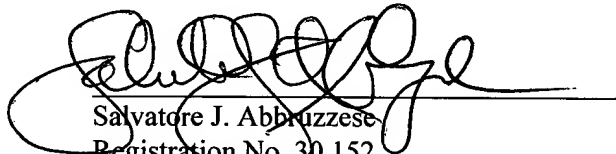
☐ 37 CFR 1.17 (application processing fees)

A duplicate of this transmittal is enclosed.

19. Instructions as to Overpayment

☒ Credit Deposit Account 08-2461.

☐ Refund.


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